



ZONING ADMINISTRATOR
NOTICE OF DECISION

Date: August 19, 2013
Applicant: PGP ML Syndicated, LLC
Case No.: PCC-13-022
Address: 915 & 931 Broadway
Project Planner: Caroline Young

Notice is hereby given that on August 19, 2013, the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-13-022, filed by PGP ML Syndicated, LLC ("Applicant"). The Applicant requests a CUP to allow the extension of a previously expired permit for a minor and major auto repair, automotive retails stores, and a truck accessory center in an existing commercial building. The Project is located at 915 and 931 Broadway ("Project Site") and is owned by PGP ML Syndicated, LLC ("Property Owner"). The Project Site is zoned Central Commercial (CCP) Zone, with a General Plan Land Use Designation of Mixed-Use Residential (MUR). The Project is more specifically described as follows:

The Project includes a request to allow the extension of a previously expired permit for a minor and major auto repair, automotive retails stores, and a truck accessory center that consist of selling and installing camper shells in an existing commercial building. The existing 6-ft wrought iron fence located in the southeastern portion of the site will be increased to 9-ft in height to allow additional storage of camper shells for the truck accessory center, Leer Truck.

Planning staff has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project qualifies for a categorical exemption pursuant to Section 15301, Class 1, existing facilities, which does not result in any significant change in land use or intensity.

The Zoning Administrator, under the provisions of Section 19.14.030.A of the Chula Vista Municipal Code has been able to make the conditional use permit findings as required by CVMC Section 19.14.080:

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The proposed use will contribute an automotive service for the public that is well regulated through conditions of approval so as to not adversely affect the general

well being of the neighborhood or the community. The business has been at this location for 25 plus years and no complaints have been filed from the public regarding traffic, noise, etc.

2. **That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The use will be subject to meeting all health, safety and general welfare standards and regulations set forth by the City of Chula Vista. The property owner and tenants shall comply with the City's noise standards by conducting the repair of the vehicle, installation of the camper shells in the designated screened or enclosed areas. Vehicles that are waiting for service or parts shall also be located in designated areas so as to not disturb the surrounding property owners. The proposed 9-ft wrought iron fence will be used to provide additional storage for the camper shells. The increase in fence height will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

3. **That the use will comply with the regulations and conditions specified in the code for such use.**

The conditional approval of PCC-13-022 requires compliance with all conditions, codes and regulations, as applicable. If any changes are made to the interior or exterior of the building at a future time, the applicant shall meet all building permit standards, stated within, at the time of issuance.

4. **That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.**

This Conditional Use Permit is in compliance with the General Plan, Zoning Ordinance, and land use designations listed therein. It will not alter the land use patterns of the General Plan. The General Plan designation is Mixed-Use Residential which allows commercial and residential use. The Zoning Administrator may continue to allow auto related uses with a five year extension period within the transitional period. After the five-year period, the Zoning Administrator will re-assess the use at that time.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-13-022 as described above subject to the following conditions of approval:

- I. **Prior to the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:**

Planning Division

1. Prior to the approval by the City of Chula Vista for the use the subject property in reliance on this approval, the Applicant/Representative and Property Owner shall execute this document by making a true copy of this letter of conditional approval and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner


Date

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

1. The Applicant shall maintain the Project in accordance with the approved plans for PCC-13-022, approved on August 19, 2013, which include a site plan on file in the Planning Division, the conditions contained herein, and Title 19.
2. All assembly and installation, and repair work shall be conducted entirely within an enclosed building. No structures, tools, or other devices associated with the assembly and installation operations shall be stored or otherwise located outside of the building.
3. Camper display racks shall not exceed 9-ft in height, and display racks shall consist of uniform materials and colors designed for this purpose. The display racks shall be properly screened by a fence, wall, or landscaping.
4. No outdoor storage or display of camper shells shall occur outside of the designated screened storage area located in the rear of the property.
5. The subject property shall comply with the City's Municipal Code noise standards, as to not disturb the surrounding property owners. If on review the City finds that the site does not meet the Municipal Code noise standards, the City may revoke or modify the permit.

6. Approval of this Project shall not waive the Applicant's responsibility to comply with all sections of Title 19 of the CVMC, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.
7. The Applicant shall execute this Conditional Use Permit as the authorized use only. Any new use or modification/expansion of uses shall be subject to the review and approval of the Zoning Administrator.
8. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated below. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
9. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
10. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.
11. This permit shall expire five (5) years after the date of its approval by the Zoning Administrator. The applicant shall submit a letter requesting an extension from the Zoning Administrator prior to the expiration date. The Zoning Administrator shall review this conditional use permit for compliance with the conditions of approval, and shall determine, in consultation with the applicant, whether the project shall be modified from its original approval.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 19th day of August 2013.



Mary Ladiana
Zoning Administrator